

Message Text

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12

ORIGIN COME-00

INFO OCT-01 AF-10 IO-14 ISO-00 AGR-20 CEA-02 CIAE-00

DODE-00 EB-11 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06

NSAE-00 NSC-07 PA-04 RSC-01 AID-20 CIEP-02 SS-20

STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SP-03 FEA-02

OMB-01 SWF-02 /178 R

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DRAFTED BY: COM/TNAD/OTP/IEPR: DSCHECHTY

APPROVED BY: EB/OT/TA: WBARROCLOUGH

COM/TNAD/OTP/IEPR: DBROHR

OTP/IEPR: FEABBUH(SUBS)

AGRIC: DWANAMAKER

STATE:WADAMS

COM/DND/OTP: JJOHNSTON

COM/OIM: SMILLER

STR: AGARLAND

LABOR: BWHITE

TREAS: WBARREDA

STR: WKELLY(PARA 3)

AF/S: HKAISER(SUBS)

EB/OCA/REP: LKLIEFORTH

----- 117941

R 302105Z APR 74

FM SECSTATE WASHDC

TO USMISSION GENEVA

INFO AMEMBASSY PRETORIA

AMCONSUL JOHANNESBURG

AMCONSUL CAPE TOWN

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EO11652 NA

TAGS: ETRD, GATT, DF

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SUBJ: GATT ARTICLE XXVIII NEGOTIATIONS- SOUTH AFRICA

REF: A. GENEVA 2288

B. STATE 25561

1. WE SHARE MISSION CONCERN (PARA 2, REFTTEL A) ABOUT OPEN-ENDED NATURE SAG UNDERTAKING ON THE QR PROBLEM. WE ALSO CONCERNED ABOUT LACK OF REFERENCE TO USG GATT RIGHTS WITH RESPECT TO ILLEGAL QR'S NOT COVERED BY AGREEMENT.

2. IN EFFORT TIGHTEN UNDERSTANDING WE PROPOSE FOLLOWING CHANGES IN WRITTEN UNDERTAKING PROPOSED BY SAG AND TRANSMITTED REFTTEL A. DELETE IN PENULTIMATE PARA OF SA TEXT BEGINNING LINE 4 QUOTE APPLY AN UNRESTRICTED IMPORT LICENSING POLICY UNQUOTE AND SUBSTITUTE QUOTE GUARANTEE THE FREE ISSUANCE OF IMPORT LICENSES UNQUOTE. AS SUGGESTED BY MISSION, SUBSTITUTE ALSO IN PENULTIMATE PARA LINE 8 QUOTE UPON THE APPLICATION OF TARIFF CHANGES RESULTING FROM UNQUOTE FOR QUOTE AS SOON AS POSSIBLE AFTER UNQUOTE. IN ADDITION, FOR REASONS CITED SECOND SENTENCE PARA 2 REFTTEL A, WE WISH TO END LAST SENTENCE PENULTIMATE PARA SA TEXT AFTER WORD QUOTE NEGOTIATIONS UNQUOTE, DELETING QUOTE WITH ALL THE CONTRACTING PARTIES CONCERNED UNQUOTE. FURTHER IN ORDER AVOID POSSIBLE MISUNDERSTANDING LATER AS TO MEANING SA UNDERTAKING BELIEVE IT IMPORTANT TO ADD FOLLOWING TO END PENULTIMATE PARA SA TEXT QUOTE, IT IS UNDERSTOOD THAT THIS IS AN INTERIM ARRANGEMENT UNTIL THE NECESSARY DOMESTIC REQUIREMENTS TO ADD THE PTEMS TO THE FREE LIST CAN BE MET. IT IS THE INTENTION OF SOUTH AFRICA TO EXPEDITE THE APPROVAL OF THESE REQUIREMENTS UNQUOTE. IN THE FINAL PARA OF SA TEXT LINE 3 WE THINK IT DESIRABLE DELETE LAST CLAUSE QUOTE AND IN PARTICULAR THE PROVISIONS OF ARTICLE XII UNQUOTE. SINCE RECOURSE TO ARTICLE XII AVAILABLE TO ALL CP'S AND BECAUSE WE CONSIDER SA CURRENT CONTROLS TO BE ILLEGAL WE DO NOT WISH GIVE SA OPPORTUNITY JUSTIFY ITS CURRENT USE OR EXTENSION OF QUANTITATIVE RESTRICTIONS UNDER ARTICLE XII. WE PROPOSE A NEW SENTENCE AT THE END OF THE PRESENT TEXT TO READ QUOTE IT IS UNDERSTOOD THAT THE GOVERNMENT OF THE UNITED STATES RESERVES ITS RIGHTS UNDER THE LIMITED OFFICIAL USE

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GENERAL AGREEMENT WITH RESPECT TO QUANTITATIVE RESTRICTIONS NOT SPECIFICALLY COVERED BY THIS UNDERTAKING UNQUOTE.

3. IF APPROPRIATE END BY WAY OF EXPLAINING NEW SENTENCE ON U.S. RIGHTS YOU MAY WISH EMPHASIZE ORALLY TO SA MISSION THAT U.S. IS RESERVING ITS RIGHTS RE OTHER ILLEGAL QR'S IN ORDER BE IN BEST POSSIBLE POSITION TO

PRESS FOR THEIR REMOVAL. FYI. ALSO WE PREFER INTER-
PRETATION OF SA UNDERTAKING BE IN CONTEXT ELIMINATION
QUANTITATIVE RESTRICTIONS (THAT IS ITEMS PLACED ON
FREE LIST) RATHER THAN COMMITMENT ON LICENSING ONLY
IN ORDER NOT PREJUDICE OUR GATT POSITION THAT ALL
LICENSING SYSTEMS SHOULD BE ABOLISHED EXCEPT WHERE
NECESSARY TO IMPLEMENTATION LEGAL IMPORT QUOTAS. END
FYI.

4. IF SUGGESTED LANGUAGE CHANGES AGREEABLE SA, MISSION
IS AUTHORIZED SIGN THE NECESSARY AGREEMENT CONCLUDING
ARTICLE XXVIII NEGOTIATION ON BEHALF OF USG.
RUSH

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Message Attributes

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